



# Disability Rights Tennessee: Your State P&A





This presentation intends to provide you and your staff with basic information about:

- 1) Disability Rights Tennessee (DRT);
- 2) The Protection & Advocacy (P&A) system in Tennessee; and
- 3) The requirements to protect people living with disabilities and mental health issues in your care.



For more details on laws and regulations, visit the DRT website.



**\*Nothing in this presentation is legal advice. For legal advice regarding a specific situation, contact your attorney.**

# Overview

1

## What is the Protection & Advocacy (P&A) System?

- What started the P&A system?
- Why is the P&A system important?

2

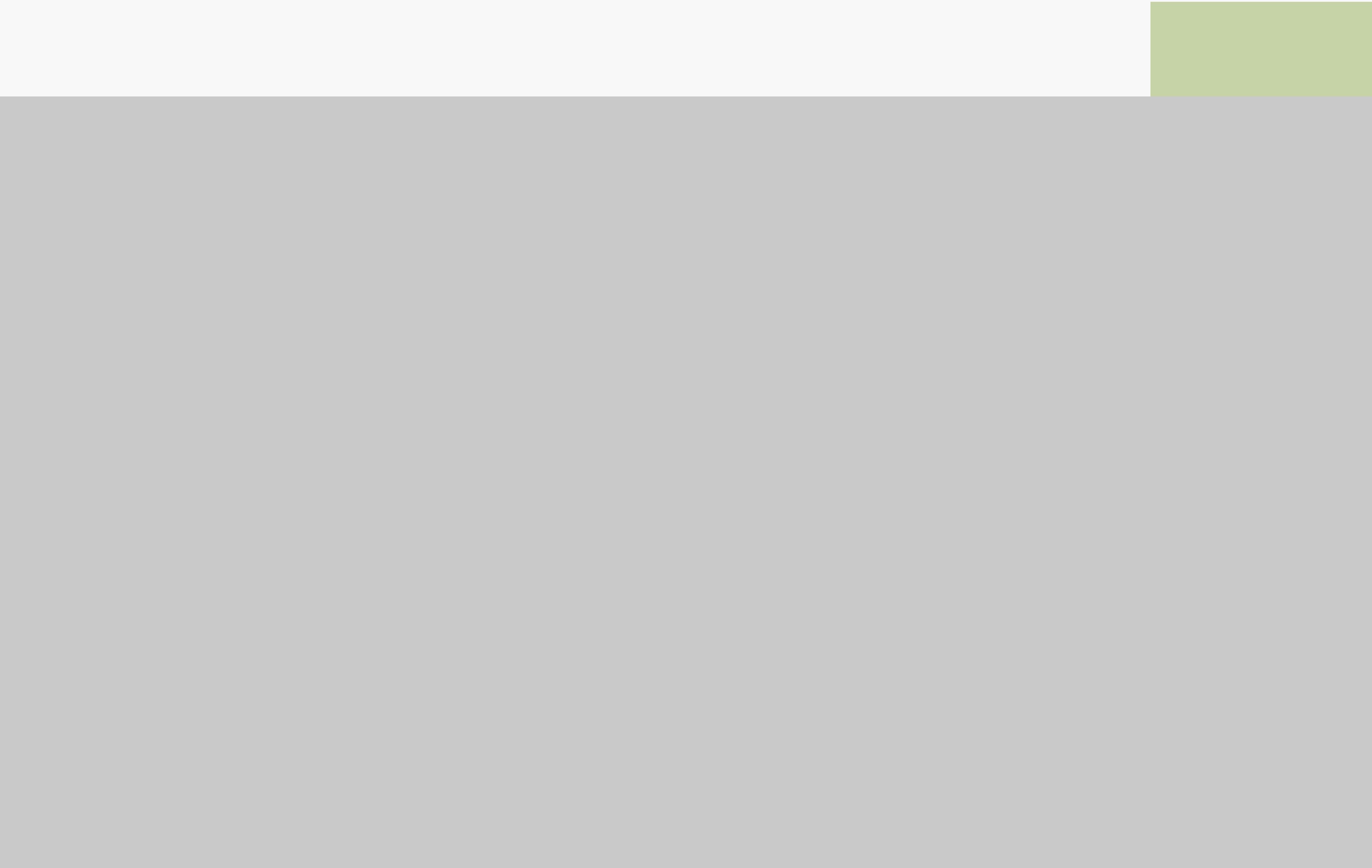
## Who is Disability Rights Tennessee?

- How does DRT help people living with disabilities?
- Why is DRT important?

3

## What is P&A Authority?

- Why does it matter?
- Key disability rights laws



# What is the Protection & Advocacy (P&A) System?

## Where are P&As?

There are **57** federally mandated legal advocacy agencies or P&As.

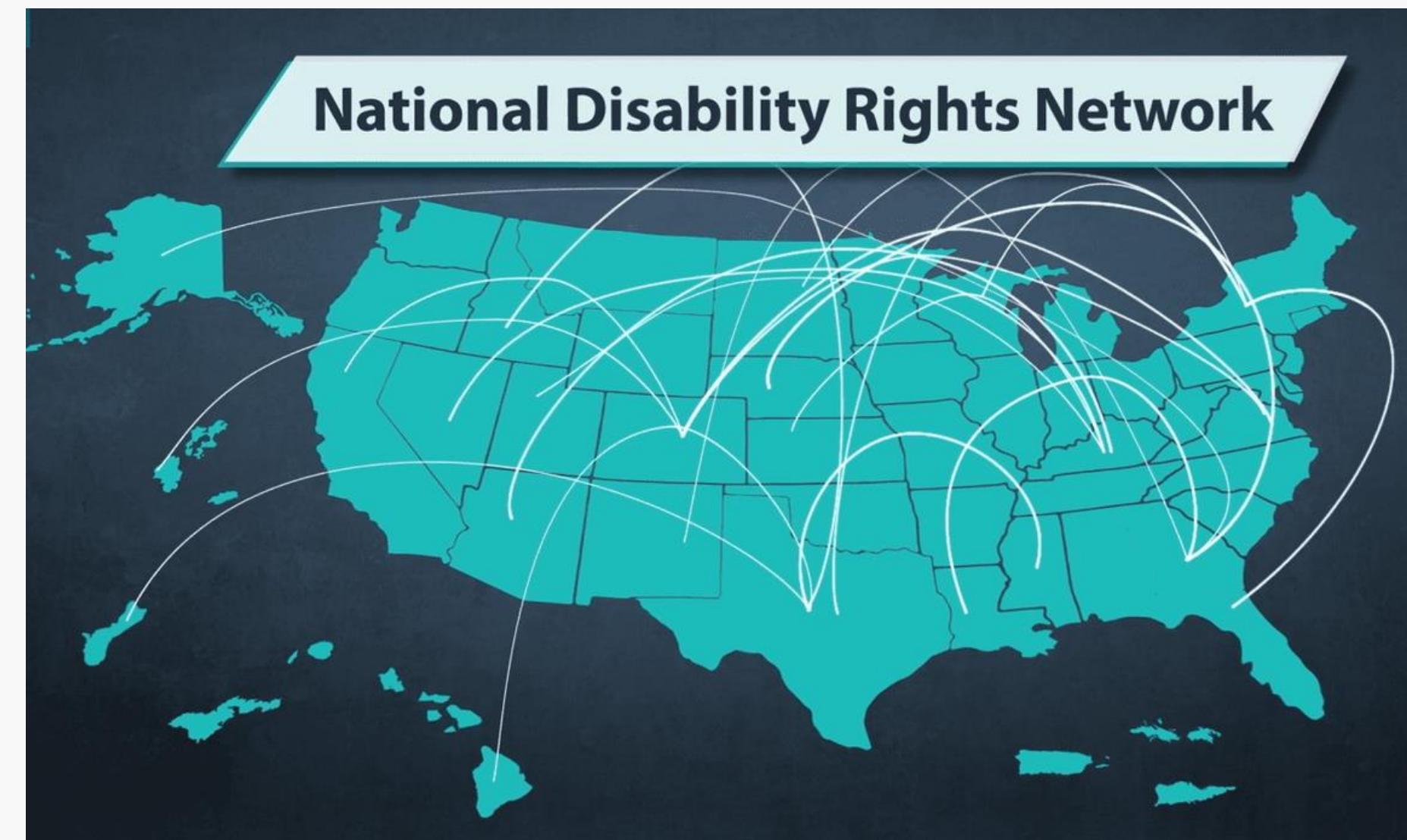
There is one (1) P&A in **every** U.S. state and territory

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Disability Rights Tennessee (DRT) is the Protection & Advocacy agency in Tennessee.

DRT serves all 95 state counties.

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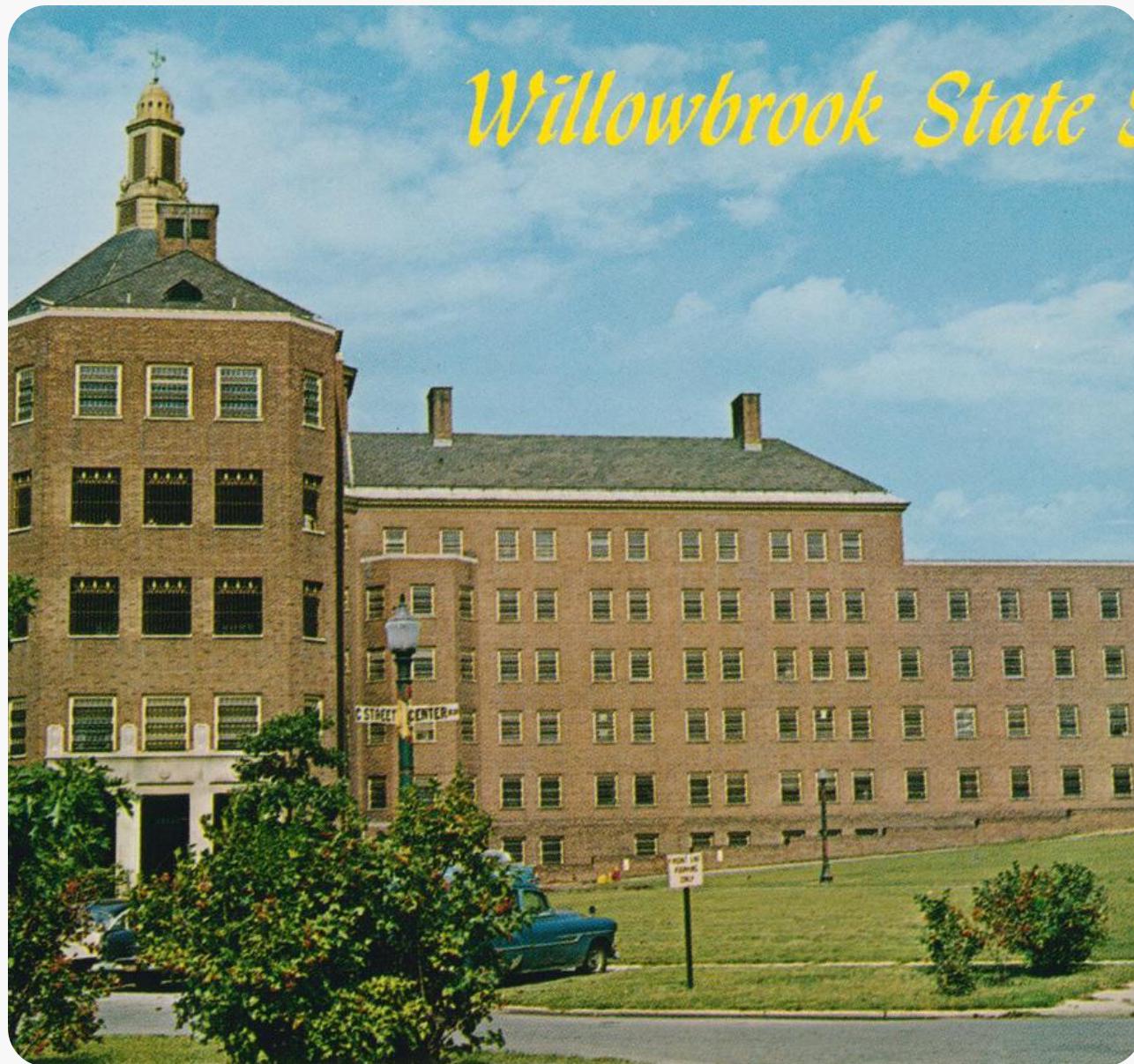
# What does the P&A system do?



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- 1. Advocate for the rights and well-being of people with disabilities.**
- 2. Have access to facilities to monitor and ensure people with disabilities are safe.**
- 3. Have access to facility records to monitor the safety of residents.**
- 4. Educate facility staff, policymakers, and the general community on disability-related services and laws.**
- 5. Ensure compliance with disability laws such as: ADA, Rehabilitation Act, IDEA.**

# Willowbrook: The Turning Point



- The **Willowbrook State School** in Staten Island, NY was the **largest institution** for people with disabilities. It was supposed to be a safe place for residents to receive therapy, resources, and proper care.
- A **1972 exposé** by Geraldo Rivera revealed the **terrible conditions** at the Willowbrook State School to the public and lawmakers.
- Video footage showed an institution that was **understaffed, riddled with disease, and unsafe**.

# What came after Willowbrook?



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A class action lawsuit was filed by the parents of Willowbrook residents.

Political action came in the form of:

- The enactment of the **Protection & Advocacy (P&A) system** -- to make sure something like this wouldn't happen in other states.
- The **Developmental Disabilities Assistance and Bill of Rights Act (DD Act)**
- The **Education for all Handicapped Children Act**
- The **Civil Rights of Institutionalized Persons Act (CIRPA)**

*\*Much more legislation has passed in the years since*

# Willowbrook's Legacy Today



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- 1. Emphasis for Advocacy:** The abuse exposed by Willowbrook lead to P&A agencies like DRT protecting people with disabilities.
- 2. Continued Monitoring:** DRT monitors Tennessee facilities to ensure people in facilities don't endure the abuse and neglect that happened at Willowbrook.
- 3. Need for Collaboration:** Through education, outreach, and partnership, DRT can educate facility staff, lawmakers, and other advocates to prevent abuse and neglect, *together*.

# Disability Rights Tennessee:

## Your State P&A



### Who is DRT?

DRT is a nonprofit agency that **assists**, **advocates** for, and **protects** the rights of Tennesseans living with disabilities and/or mental illness.

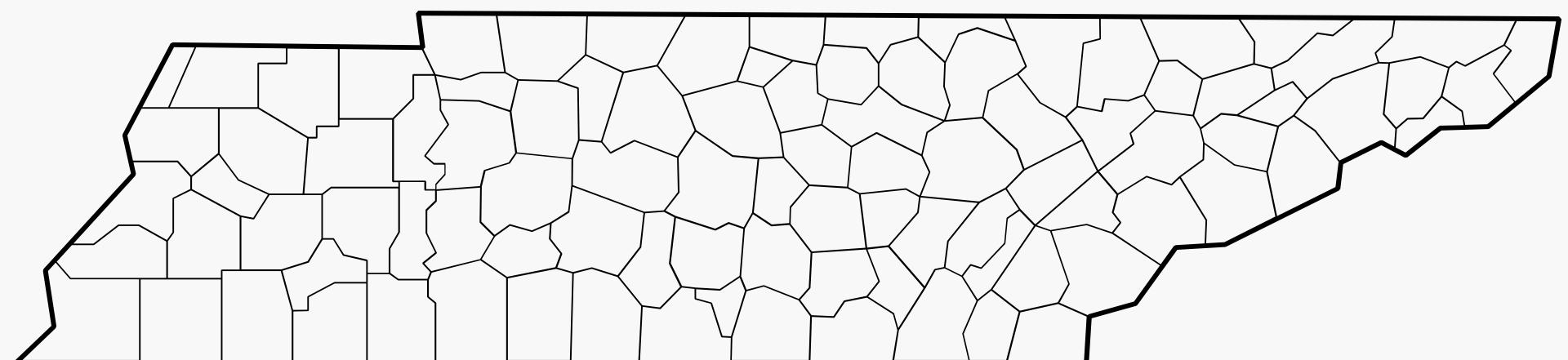
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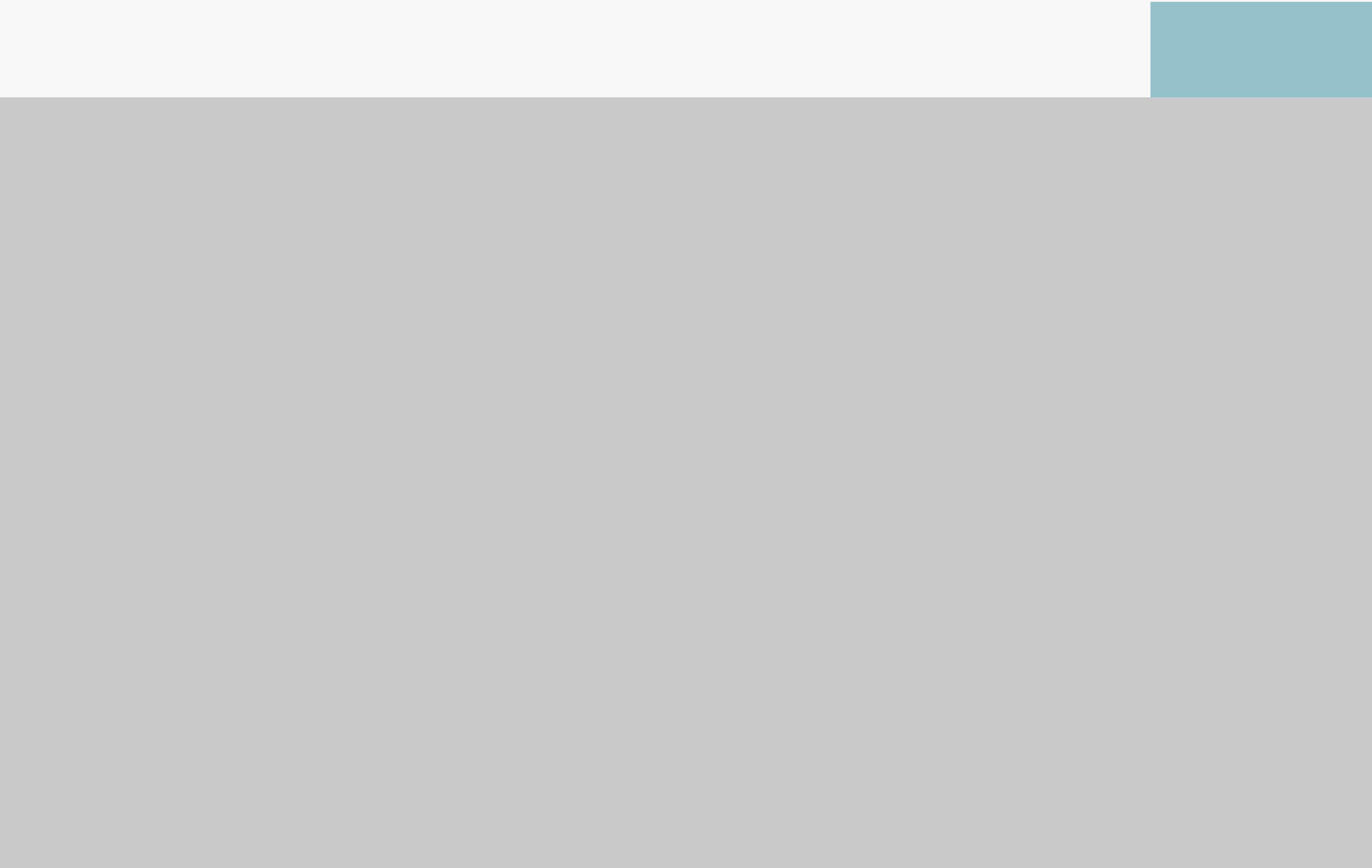
DRT became Tennessee's P&A in July 1983.

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DRT provides free services in all 95 Tennessee counties.

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# Disability Rights Tennessee Overview

1

## Who does DRT help?

- DRT helps people living with disabilities and/or mental illness in Tennessee.

2

## Where can DRT help?

- DRT helps Tennesseans in a variety of places such as supported residential settings, prisons, detention centers, mental health hospitals, the workplace, and more.

3

## Why does DRT help?

- People living with disabilities and/or mental illness are **important** and deserve the **same rights** as everyone else. They should be a **part of their community**, not feel **alone**, and be **safe from abuse or harm**. Everyone has the right to feel **safe**.

**DRT is here to help.**

# How can DRT help?



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DRT works to protect people living with disabilities and/or mental illness from abuse and neglect in the places where they **live, work, learn, or receive other services**.

**Some examples of this include:**

- Making sure that patients receive appropriate medical and mental health treatment.
- Protecting patients from having their money taken away.
- Teaching patients about their rights.

# What Services does DRT Provide?

1

Support &  
Resources

2

Advocacy & Legal  
Representation

3

Investigation &  
Monitoring

4

Education &  
Outreach

# Support & Resources

**Help finding resources.**

**Help with TennCare  
Long-term Services and  
Supports.**

**Support people with  
Traumatic Brain Injury,  
their family members, and  
services providers.**

# Advocacy & Legal Representation

DRT can help you:

Feel safe.

Figure out problems at work if you get Social Security.

Be a part of the community.

Get assistive technology.

Access Vocational Rehabilitation and independent living services.

Vote.

# Investigation & Monitoring

Investigate abuse and neglect in places where services are received.

Monitor facilities to make sure residents are cared for and safe.

Review financial benefits and representative payee services.

# Education & Outreach

**Help people living with  
disabilities and/or  
mental illness  
understand their rights.**

**Work with other  
disability groups across  
Tennessee.**



# What is P&A Authority?



# P&A Authority to Monitor

1

## What is it?

- As the P&A in Tennessee, DRT is granted, by the federal government, “reasonable unaccompanied access” to facilities or programs providing services to people living with disabilities and/or mental illness.

2

## Where does DRT Monitor?

This P&A Authority means that DRT can visit **public** and **private** places where people with disabilities receive **support, services, treatment, or assistance.**

**\*This includes licensed and unlicensed programs and services.**

# Examples of where DRT can monitor:



Any place that provides care, treatment, or services to patients

Community-based settings

State-run and private facilities

Mental health hospitals or hospitals that have mental health services (including in- and out-patient)



# What does DRT do when monitoring?



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Above all: DRT visits or monitors facilities to make sure that those served are safe.

But DRT *also* can help staff by offering training to make sure that everyone is equipped with the tools and resources to ensure that the rights and safety of people living with disabilities and/or mental illness are being respected and protected. DRT can also provide feedback and resources for best practices.

# Why does DRT monitor facilities?

1

## To Ensure Rights & Safety

DRT works **alongside** facilities to make sure the rights and well-being of people with disabilities and/or mental illness are living in respectful, safe, and caring environments.

2

## To Support Personal Treatment Goals

With consent, DRT attends treatment planning meetings, to help make sure that each person's voice and choices are honored in their care.

3

## To Share Helpful Resources

DRT provides information, training, and referrals to empower staff and residents with tools and knowledge for a safer and more supportive experience.

4

## To Raise Awareness

Through posters and shared resources, DRT makes sure our services are easily accessible, so the community knows we're here if needed.

# What does a DRT monitoring look like?



- DRT has *reasonable*, unaccompanied access to all areas of the facility accessible by patients during normal working or visiting hours.
- Such access can shall be provided without advance notice and made immediately upon request.
- DRT can speak with patients in private.
- DRT can speak with employees who want to speak with us (DRT must protect the privacy of the person speaking with us; can make “anonymous” reports).
- DRT can take photos of the facility and patients with their permission.
- DRT can ask for the contact information of a minor’s parents or a patient’s conservator.



What is P&A Authority?

Monitoring Outcomes



# Potential Monitoring Outcomes When DRT Visits Your Facility

1

Resolve issues observed or reported on-site.

2

Open individual investigations or advocacy cases.

3

Annual monitoring reports.

## Potential Monitoring Outcomes

### When DRT Visits Your Facility

1

## Resolve issues observed or reported on site

- While on site DRT staff may **help patients understand facility policies or practices** such as *assistance with filing a grievance*.
- DRT may **address safety issue(s) with staff** such as *addressing a visible trip hazard*.
- DRT staff may **help a patient with reporting a need to staff** such as *assistance with getting reading glasses*.

## Potential Monitoring Outcomes

### When DRT Visits Your Facility

2 Open individual investigations or advocacy cases

There may be times that issues **cannot** be resolved on-site. An example of this is reported allegations of abuse and/or neglect.

In these situations DRT *may* open individual case services. If an individual case is opened, DRT staff can be provided additional access to the facility that may be **outside** of regular monitoring activities.

## Potential Monitoring Outcomes When DRT Visits Your Facility

### 3 Annual monitoring reports

DRT staff will develop an **annual report** that will summarize outcomes from DRT's visits to the facility, policy reviews, and individual case services over the year.

DRT will provide the facility with recommendations that may assist the facility with enhancing the quality of care for those living there.



## What is P&A Authority?

Individual Investigations or  
Advocacy Cases





## What to know about individual investigations or advocacy cases:

- DRT staff **may enter the facility** to speak with a resident related to an Individual Investigation/Advocacy service.
- This service **may or may not** be related to the person services at the current residential placement facility.
- This service type allows DRT staff to have **access** to facility records (including but not limited to):
  - Patient medical records
  - Incident reports
  - Investigative reports
  - Internal policies and procedures





## What to know about individual investigations or advocacy cases:

- DRT tries to resolve issues at facilities at the **LOWEST** level. To accomplish this, DRT staff may meet with facility staff to discuss the issue of concern and develop a resolution **together**.
- As the result of an investigation, DRT will provide the facility a **recommendations letter** that will give a short summary of findings and suggested recommendations to prevent the issue from happening again in the future.





# Commonly Asked Questions



# Why have I never heard of Disability Rights Tennessee (DRT) before?



DRT's monitoring and investigation teams serve **all 95 counties in Tennessee**. This includes going into many different types of facilities for all ages of people.

This wide geographic range can make it difficult for DRT staff to make contact with or monitor each facility in the state. DRT works each year to visit and make contact with new facilities to learn about programming and educate the team about DRT's services and resource connection.

# We do not house people with disabilities. Why is Disability Rights Tennessee contacting us?



DRT follows the definition of disability as written in the Americans with Disabilities Act (ADA):

**“A person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.”\***

\*The ADA does not specifically name all of the impairments that are covered.

# We do not house people with disabilities. Why is Disability Rights Tennessee contacting us?



The definition of disability in the ADA means that DRT serves people with a **wide variety** of disabilities. This might be an intellectual disability, learning disability, physical disability, significant mental health diagnosis, and/or medical diagnosis such as asthma or diabetes.

DRT provides services to people that **may or may not** be receiving disability benefits.

# We are already monitored by other oversight entities, how is DRT different?



State entities/agencies may monitor for licensure compliance such as policies and structural compliance. DRT is ***different*** because DRT's monitoring activities are meant to **educate residents and staff on the rights of residents and other DRT services.**

DRT facility visits focus on reports by residents of quality of care and their needs. DRT's monitoring reports offer **holistic recommendations** such as suggesting staff training that may address quality of care concerns.

# This issue is or was already investigated by the state. How is DRT's investigation different?



DRT may investigate abuse and/or neglect allegations like state agencies (i.e. APS or DCS) but DRT focuses on prevention.

While state agencies might aim for prosecution of perpetrator, DRT offers holistic recommendations such as policy changes, staff training, and enhanced services to meet the needs of the person supported to prevent these issue(s) from happening in the future.

# Many of our residents are non-verbal. How does DRT communicate with them?



DRT staff often visits facilities when residents may have various communication needs. When visiting, DRT staff will ask facility staff about how they communicate with the person served.

DRT staff provides the same respect and care for all residents of all facilities. To better communicate, DRT staff will observe staff/residents interactions and may reach out to any conservator/guardians to let them know of DRT's activities in the facility/home.

**Many of the residents here have episodes of aggression and  
we are concerned about your safety.**



DRT staff welcomes the sharing of information between them and facility staff to share information about the supported person's behaviors and triggers. Facility safety measures can also be discussed so that DRT staff can still have access to interview the person served.

# Residents may be inflating their stories because they do not want to be here or due to their psychosis.



DRT staff are trained investigators and advocates and objectively gather information from interviews, records, and observations from the facility and person served.

It is important that facility staff understand residents' complaints should not be taken personally. DRT staff aims to make sure residents feel heard and validated while ensuring a high quality of care and services to all.

# A Person's Right to Contact DRT

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**Everyone** has the right to contact DRT at **any time**, including outside business hours.

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Facilities **cannot** restrict calling hours to DRT, regardless of facility policy.

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Staff must assist those calling to ensure that calls made to DRT are **private**.

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Calls to DRT **should not** count against allowed weekly phone calls.

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# Contacting DRT



**Anyone can contact DRT to report a concern for OR about anyone.**

*\*The caller can share their contact information or choose to remain anonymous.*

**Some information must be provided, even if you choose to report anonymously.**

- The name of the person you are calling about and any other identifying information you have:
  - Age of Date of Birth
  - Facility or setting they are in
  - Any contact information you have for them and/or their parent, guardian, or conservator.
  - Brief information about the reported concern.

# What Happens After DRT is Contacted?



Upon reporting to DRT, the provided information is reviewed by the Resource & Referral team.

After careful review, DRT will help you by:

- Directly helping you such as providing resources/educational materials or opening a direct case, OR
- Trying to find someone who may help you.

*\*If a case is opened, the assigned DRT employee will follow up with the caller (if applicable), meet with the client, and begin working on the issue.*

# How to Contact Disability Rights Tennessee



**By email:**

[GetHelp@DisabilityRightsTN.org](mailto:GetHelp@DisabilityRightsTN.org)

**By phone:**

1.800.342.1660

OR

615.732.6970

**By website form:**

[www.DisabilityRightsTN.org](http://www.DisabilityRightsTN.org)



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